

**MICHAEL DUPREE, SR.  
DEPOSITION TRANSCRIPT**

Page 1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

MICHAEL DUPREE, JR., Case No.  
a Colorado Resident,  
MICHAEL DUPREE, SR., 2:10-CV-12094-LPZ-MKM  
and DARLENE DUPREE, his parents,  
Residents of the Country of Austria,  
Plaintiffs,  
vs.  
CRANBROOK EDUCATIONAL COMMUNITY,  
JOHN J. WINTER, and CHARLES SHAW,  
Defendants.

----- /  
The Deposition of MICHAEL DUPREE,  
SR., a Plaintiff in the above-entitled cause,  
taken by Shari J. Pavlovich, CSR-5926, Certified  
Shorthand Reporter, Registered Professional  
Reporter, Certified Realtime Reporter, and Notary  
Public for the County of Wayne, acting in the  
County of Macomb, State of Michigan, at 24825  
Little Mack, St. Clair Shores, Michigan, on  
Tuesday, December 14, 2010 commencing about 2:06  
p.m., pursuant to the Federal Rules of Civil  
Procedure.

1           each one of them?

2   Q       Did you obtain an undergraduate degree?

3   A       Yes.

4   Q       Where did you get your undergraduate degree from?

5   A       University of Florida.

6   Q       What year would that have been?

7   A       1969.

8   Q       Do you have a law degree?

9   A       Yes.

10   Q       What year did you get your law degree?

11   A       1972.

12   Q       Have you ever practiced law?

13   A       Yes.

14   Q       When did you last practice law?

15   A       Approximately 1976.

16   Q       Are you currently a member of any state bar?

17   A       Yes.

18   Q       What states?

19   A       Florida.

20   Q       Have you ever been a member of the Michigan bar?

21   A       No.

22   Q       How old is Michael?

23   A       I think he's 25.

24   Q       Do you know his date of birth?

25   A       Yes.

Page 10

1 Q What is it?

2 A August 27th, 1985.

3 Q And what's Matthew's date of birth?

4 A September 16th, 1988.

5 Q When did Michael commence going to school at  
6 Cranbrook?

7 A In his freshman year. I think that was the year  
8 2000.

9 Q And where was he previously at school just before  
10 that?

11 A Edlin and it's a private school in Virginia.

12 Q Were you living in Virginia at the time?

13 A Yes.

14 Q And so did you relocate for work here in Michigan?

15 A Yes.

16 Q And you would have been working for General Dynamics  
17 at the time? .

18 A Yes.

19 Q Okay. And when Michael enrolled at Cranbrook in  
20 2000 did Matthew also enroll at the same time?

21 A Yes.

22 Q And do you remember, Mr. Dupree, when you originally  
23 enrolled both your sons at Cranbrook, did you sign  
24 enrollment agreements for both of them?

25 A Yes. Either my wife or I signed them. I think I

Page 12

1 A That's what it says, yes.

2 Q This is the enrollment agreement for your son to  
3 attend Cranbrook for his senior year, which would  
4 have been academic year 2003-2004; correct?

5 A Yes.

6 Q Now, in this lawsuit you have a number of  
7 claims; correct, Mr. Dupree?

8 A Yes.

9 Q One of the claims is a breach of contract claim;  
10 correct?

11 A Yes.

12 Q And so what I want to talk about now briefly is your  
13 breach of contract claim so I can get a full  
14 understanding of your breach of contract claim.

15 Beyond the enrollment agreement, are  
16 you claiming there are any other documents that  
17 constitute the contract that you're claiming  
18 Cranbrook breached?

19 A Not that I can think of at this moment.

20 Q Okay. And during the time your sons attended  
21 Cranbrook did you ever receive copies of the student  
22 handbook?

23 A May we go back to that last question?

24 MR. LINDEN: You want to read back my  
25 last question preceding that question?

1 (Record repeated.)

2 THE WITNESS: Okay. I do want to --  
3 there are -- is a couple others, I think, that are  
4 relevant. And that is each of the school years  
5 since his enrollment, to me all are contracts while  
6 he was there. They're all relevant.

7 BY MR. LINDEN:

8 Q All right. And let me explore it a little bit  
9 further, just so the record's clear in that regard.  
10 When you talk about each of the years, we're talking  
11 about your son Michael started attending Cranbrook  
12 school year 2000-2001; correct?

13 A That's correct.

14 Q And for that school year you signed an enrollment  
15 agreement just like Exhibit 1; correct?

16 A Yes.

17 Q And each of the years that Michael attended you  
18 signed an enrollment agreement just like  
19 Exhibit 1; correct?

20 A Yes.

21 Q And so what you seem to be suggesting, Mr. Dupree,  
22 and I want to just make sure we're both on the same  
23 page, you are now saying that all those agreements  
24 in their totality constitute the contract. Is that  
25 what you're saying?

Page 14

1 A Yes, also.

2 Q Okay. So beyond the enrollment agreements for each  
3 of the years that Michael attended, are you claiming  
4 any other documents constitute or provided a basis  
5 for a contractual claim?

6 A Not that I can think of.

7 Q Thank you. So one of the questions I asked you  
8 before we went back was whether or not you ever  
9 received copies of the student handbooks while your  
10 sons were enrolled at Cranbrook.

11 A Yes.

12 Q Do you recall if you would have received copies for  
13 each of the school years in which Michael was  
14 enrolled?

15 A I think so.

16 Q Do you remember if you would have received a copy of  
17 the school handbook for the last year he attended,  
18 which would have been school year 2003-2004?

19 A Yes.

20 (Deposition Exhibit Number 2 was  
21 marked for identification.)

22 BY MR. LINDEN:

23 Q All right. I'm now going to put in front of you,  
24 Mr. Dupree, what the court reporter has marked as  
25 Exhibit 2, which for purposes of identification, the

Page 17

1 referencing, yes.

2 Q All right. So if we could, Mr. Dupree, let's talk a  
3 little bit more about Exhibit 2, this community  
4 handbook.

5 A Sure.

6 Q So did you get a copy of the community handbook each  
7 year that your sons were enrolled at Cranbrook?

8 A To my recollection, yes.

9 Q And did you ever have an opportunity to review the  
10 community handbook?

11 A Yes.

12 Q Okay. And were you aware before Michael had his  
13 problems resulting in us being here today that there  
14 was a code of conduct governing students' behavior  
15 at the school?

16 A Yes.

17 Q Let's talk a little bit more briefly about your  
18 breach of contract claim so that I can sort of  
19 understand it.

20 So you're claiming that Cranbrook  
21 breached the enrollment agreement; correct?

22 A Yes.

23 Q Okay. How did they breach the enrollment agreement?

24 A By specifically dismissing him from Cranbrook.

25 Q Now, during the school year 2003-2004, was it ever

Page 22

1 handbook for 2004-2005 because your son Matthew was  
2 still going to school there?

3 A That's -- now that you've said that, that's exactly  
4 why.

5 Q Let's talk about Deposition Exhibit Number 3. So  
6 you recall receiving this sometime around its date,  
7 March 12, 2004?

8 A Sometime after March 12th, yes.

9 Q And it was letting you know, among other things,  
10 that Michael was being charged with violating the  
11 code of conduct by -- as a result of his having in  
12 his possession a marijuana pipe; correct?

13 A Yes.

14 Q And it lets you know that there was a conduct review  
15 board hearing with respect to that allegation;  
16 correct?

17 A Yes.

18 Q And it lets you know that the conduct review board,  
19 after conducting the hearing, made a determination  
20 as to the nature of the discipline that they were  
21 meting out; correct?

22 A Yes.

23 Q And this letter lets you know that among the  
24 discipline being imposed against Michael at that  
25 time was that he was being placed on conduct

Page 25

1 what happened at that board other than what Michael  
2 might have told you; correct?

3 A That's correct.

4 Q Did you ever ask Michael about the nature of that  
5 allegation?

6 A Which allegation?

7 Q The allegation about his having in his possession a  
8 marijuana pipe.

9 A Yes.

10 Q And when did you ask him about it?

11 A I don't recall.

12 Q Was it -- did you ask him about it while he was  
13 still enrolled at Cranbrook?

14 A Yes.

15 Q And what did he tell you about the allegation?

16 A I don't recall.

17 Q Let's switch gears for a moment. After Michael was  
18 dismissed from Cranbrook, as I understand it, he  
19 obtained his GED?

20 A Yes.

21 Q Do you know when he obtained that?

22 A Yes. It was right after. By June 1st, June 2nd,  
23 June 3rd. I had called to see when they had a test  
24 available that he could take. And they gave me that  
25 date. So I remember taking him for that test.

1 Q All right. So when we talk about June, we're  
2 talking about June of 2004?

3 A June of 2004, that's correct.

4 Q And so he took the GED test immediately after you  
5 found out he was being dismissed by Cranbrook?

6 A Yeah. Might have been the first -- within the first  
7 two weeks, I recollect that, of June.

8 Q And since he obtained his GED, besides attending the  
9 University of Denver, has he attended any other  
10 colleges?

11 A Yes.

12 Q What other colleges, Mr. Dupree, has he attended?

13 A Maybe not in exact order. Cabot College in  
14 California, California State University in  
15 Sacramento, Cabrio College, University of California  
16 Santa Barbara, and then the University of Denver.

17 One other, too. Purdue, his first one.

18 Q Did he ever attend a college by the name of Las  
19 Positas?

20 A Yeah, you know, that and Cabot College are the same.

21 Q So the first college he would have attended after  
22 getting his GED was Purdue?

23 A That's correct.

24 Q Now, was he accepted at Purdue before he was  
25 dismissed from Cranbrook?

1 A Yes.

2 Q How long did he attend Purdue for?

3 A To about the end of October 2004.

4 Q And do you know why he stopped attending Purdue?

5 A Yes, I do.

6 Q What was the reason?

7 A He got -- he was sick. And I forgot exactly what  
8 the illness was but I went to the Purdue -- I  
9 discussed it with Purdue and they said that they  
10 would let him withdraw because his illness was such  
11 that it was -- they were willing to let him  
12 withdraw.

13 Q So there's several other schools he attended before  
14 his current enrollment at the University of Denver.  
15 So these other colleges, Cabot, California State at  
16 Sacramento, University of California at Santa  
17 Barbara, all these other schools you enumerated, why  
18 did he drop out of those schools, if you know?

19 A Well, I don't think -- I think that's the wrong  
20 characterization. He didn't drop out of them. I'll  
21 start with he wanted to go to a four-year college.  
22 So he went from Las Positas, or whatever it is, to  
23 California State in Sacramento. He didn't like  
24 California State.

25 He wanted to live more in southern

1           you guys is -- was what they were.

2   Q     All right. Speaking of providing, are you aware  
3           that Cranbrook has produced documents in this case?

4   A     Yes.

5   Q     Have you seen any of those documents?

6   A     Yes.

7   Q     And among the documents that have been produced in  
8           this case, included an investigation that Cranbrook  
9           did pertaining to the computer allegation; correct?

10   A    I had a cursory look at that. I hadn't had a chance  
11       to look at it thoroughly. I just arrived.

12   Q    So let's come back to these conversations with  
13       Mr. Shaw. So your recollection, Mr. Dupree, is you  
14       had from three to six phone conversations with him?

15   A    Um-hmm, yes.

16   Q    Thank you. Do you recall if at any of those  
17       conversations Mr. Shaw let you know that they were  
18       going to treat Michael's departure from school as a  
19       withdrawal as opposed to a dismissal?

20   A    That's what he was saying, yes.

21   Q    What do you remember him saying?

22   A    He was saying we're going to do you a favor and  
23       we're going to show him as withdrawing. And I had  
24       alerted him that -- I had sent him an e-mail, as  
25       well as to Arlyce that Michael steadfastly has

Page 50

1           refused to withdraw. Did not withdraw. And they  
2           had no right to say that he is withdrawing.

3   Q       Now, at the time of these conversations with  
4           Mr. Shaw that you just briefly described for us, he  
5           had already been accepted to Purdue University;  
6           correct?

7   A       He had. But whether it was still acceptable was  
8           still in the air.

9   Q       Well, let's come back to my question. You would  
10          agree with me at the time you had these  
11          communications with Mr. Shaw where he explained to  
12          you that they were going to, as you put it, do you a  
13          favor and characterize his departure as a  
14          withdrawal, Michael had already been accepted to  
15          Purdue; correct?

16   A       Yes. Yes, yes, yes.

17   Q       What conversations, if any, do you know that  
18          Cranbrook had with anybody at Purdue about Michael's  
19          status after he was dismissed?

20   A       I recollect that Charlene Rencher, I believe, had a  
21          conversation with them.

22   Q       Okay. Now, when you say Charlene Rencher, she was a  
23          counselor at Cranbrook?

24   A       Yes.

25   Q       And how do you know Charlene Rencher may have had a

1 A Yes.

2 Q And Michael successfully enrolled at Purdue at the  
3 beginning of the fall academic year 2004-2005;  
4 correct?

5 A Yes.

6 Q So obviously in light of that, the withdrawal  
7 designation on his transcript did not prevent him  
8 from enrolling; correct?

9 A Yes.

10 Q Besides conversing with Ms. Rencher on the phone,  
11 did you ever send her any e-mails?

12 A I don't recall.

13 Q Now, you testified earlier on when I asked you about  
14 what would be denoted for the record, I was asking  
15 you questions about Deposition Exhibit 3, which is  
16 the March 12, 2004 letter, that letter indicated,  
17 among other things, that Michael was on probation  
18 through June 4th, 2004 and that he could be  
19 dismissed for any further major rule violations or a  
20 series of minor rule violations; correct?

21 A Yes.

22 Q And you would agree, Mr. Dupree, you received notice  
23 that Michael was being dismissed on -- in a letter  
24 dated June 1, 2004; correct?

25 A Yes.

1 Q You can't recall whether or not you actually did  
2 meet with her?

3 A I know we met with her prior to June the 1st and I  
4 can't remember whether we met with her right after  
5 June the 1st. I think we did but I just don't  
6 recall.

7 Q Do you know if your wife met with anybody at  
8 Cranbrook about your son's dismissal in June of  
9 2004?

10 A No. If we met, I think we met together.

11 Q You would agree, Mr. Dupree, that your son got  
12 accepted to a number of colleges or universities,  
13 notwithstanding the fact that the transcript  
14 indicates he withdrew from Cranbrook; correct?

15 A Yes.

16 Q And isn't it true he was accepted to approximately  
17 nine colleges?

18 A I don't think that many. But certainly half a  
19 dozen.

20 Q Well, let me ask you this, to maybe nail down the  
21 number: Have you seen the Answers to the  
22 Interrogatories that have been submitted on your  
23 behalf?

24 A Yeah.

25 Q All right. So let's just talk about that. And

Page 60

1           there?

2   A    Yes.

3   Q    Why?

4   A    He was living in Santa Cruz at the time and there  
5            was -- he was accepted to University of California  
6            Santa Barbara and Santa Cruz and he chose Santa  
7            Barbara.

8   Q    Why did he elect not to attend the University of  
9            Colorado, if you know?

10   A    He wanted to stay in California at the time.

11   Q    All right. So you would agree, all of the schools  
12            we've just talked about, with the exception of  
13            Purdue, he was accepted after Cranbrook issued the  
14            transcript noting withdrawal; correct?

15   A    Yes.

16   Q    Now, there were some schools he was rejected to that  
17            he applied to; correct?

18   A    Yes.

19   Q    All right. So let's talk about those schools for a  
20            moment. He applied to Babson. Are you aware of  
21            that?

22   A    Yes.

23   Q    He applied to Babson while he was still enrolled at  
24            Cranbrook; correct?

25   A    Yes.

1 A Yeah, as I understand it.

2 Q And then you also found out Cranbrook's position was  
3 that he committed another offense, violated their  
4 technology use policy, among other things, and they  
5 ultimately dismissed him for that?

6 A I never understood that position.

7 Q Well, did anybody at Cranbrook tell you why your son  
8 was being deemed to have violated the terms of his  
9 probation?

10 A Yes.

11 Q And you testified earlier that you -- in fact, you  
12 and your son met with John Winter and he told you,  
13 among other things, that there was some kind of  
14 computer scam that they believed your son was  
15 involved in?

16 A That's correct.

17 Q So Cranbrook let you know, did it not, that there  
18 were at least two instances where they felt --  
19 putting aside what you might have believed, they  
20 felt that he had violated their rules; correct?

21 A Yes.

22 Q And you also indicated, Mr. Dupree, that Charlie --  
23 Charles Shaw, after you received the letter of  
24 dismissal in June of 2004, told you that he thought  
25 he was doing you -- the school was doing you a favor

Page 70

1 by noting that your son had withdrawn from school as  
2 opposed to being dismissed; correct?

3 A Yes. Only after I had asked him how you could --  
4 how you could say he was withdrew when he never  
5 withdrew.

6 Q Okay. But you would agree, Cranbrook had taken the  
7 position, they let you know by virtue of Exhibit 5,  
8 which is the June 1, 2004 letter, that they were  
9 dismissing your son from school; correct?

10 A After he completed school, yes.

11 Q Well, let's come back to my question. We'll explore  
12 what you just wanted to add there.

13 You would agree with me that the  
14 June 1, 2004 letter indicates as of that date,  
15 Cranbrook was dismissing your son from school?

16 A Yes.

17 Q And you had indicated a moment ago that you -- your  
18 son was going through some embarrassment explaining  
19 his situation to schools that were considering him  
20 for admission; correct?

21 A Yes.

22 Q And I sort of gather -- and I don't want to put  
23 words in your mouth -- that part of the  
24 embarrassment that your son was subjected to was the  
25 fact that his transcript indicated that he withdrew

1           from school; correct?

2   A    Yes. He had to explain why they had withdrew on  
3           there and what it was.

4   Q    All right. Now, were you present during the time  
5           your son met with any of these admissions officers  
6           at any of these colleges?

7   A    No.

8   Q    So for example, you don't know whether or not your  
9           son shared with them anything about the two conduct  
10          review board hearings that he was subjected to?

11   A    No, I do not.

12   Q    Okay. And I want to explore something because  
13          there's been a couple times now in your testimony  
14          you've sort of explained, I believe, your position  
15          being that you felt that Cranbrook could not dismiss  
16          your son as of June 1, 2004? That they could not  
17          dismiss him as of June 1, 2004?

18   A    That's correct.

19   Q    I want to understand your position in that regard.  
20          How do you come to that conclusion?

21   A    Because he had already completed all of the  
22          requirements to graduate as reflected on his  
23          transcript, which I hadn't seen. But when I look at  
24          this transcript -- but at that time, he had  
25          completed all of the requirements to graduate.

1 Q And when you talk in terms of requirements to  
2 graduate, what do you mean by that?

3 A I think the school systems in Michigan have  
4 requirements to -- that if you achieve, you  
5 graduate, and you'd receive a diploma. Once you  
6 receive those, once you've completed those, then  
7 you've met those requirements and are entitled to a  
8 diploma.

9 Q Okay. And Mr. Dupree, what's your basis for that  
10 understanding?

11 A Common sense, one; Number 2, if you look at most of  
12 definitions of what -- what graduation means, that's  
13 how it's defined.

14 Q Okay. So based on your understanding of common  
15 sense, you are of the opinion that as of June 1,  
16 2004 Cranbrook could not dismiss your son?

17 A Well, according to enrollment agreement and the  
18 definitions that are attached to it, are relating to  
19 financial aid, they define what the school year is.  
20 They define what withdrawal is. They define what  
21 graduation is.

22 Q Let's talk about the enrollment agreement, which is  
23 Exhibit 1. All right. So let's go to section one  
24 of the enrollment agreement, which is Exhibit 1.

25 A Okay.

1 Q Section one is entitled conditions of enrollment;  
2 correct?

3 A Yes.

4 Q And you indicated earlier on, you signed this  
5 enrollment agreement for school year 2003-2004;  
6 correct?

7 A Yes.

8 Q And it indicates, among other things, that -- I'm  
9 looking now at fourth paragraph under section one,  
10 that you specifically understand and agree that the  
11 school reserves the right to dismiss Michael at any  
12 time if, in the judgment of the school, Michael's  
13 health, efforts, progress, behavior, or influence is  
14 unsatisfactory or his account is past due; correct?

15 A Yes.

16 Q And if you look at the last paragraph in section  
17 one, it also says that you understand that Michael  
18 will be responsible to abiding to the policies and  
19 procedures stated in the school's handbook; correct?

20 A Precisely.

21 Q All right. And the school's handbook would be  
22 Exhibit Number 2?

23 A Right.

24 Q Correct?

25 A Yes.

1 Q Okay. And again, you knew as of March 12, 2004,  
2 which is Exhibit 3, that the school was letting you  
3 and Michael know that through June 4th of 2004 that  
4 he was on probation; if he violated the terms of  
5 those probations, he would be dismissed?

6 A Yes.

7 Q Okay. Now, let's switch gears for a moment. You  
8 have about a half dozen claims in this lawsuit;  
9 correct?

10 A Yes.

11 Q Okay. One of the claims is fraud and  
12 misrepresentation. Are you aware of that,  
13 Mr. Dupree?

14 A Yes.

15 Q Could you tell me in your own words what your fraud  
16 and misrepresentation claim is?

17 A As to the misrepresentation, the 2003-2004 handbook  
18 does not specifically state -- in fact, it's very  
19 clear that in my reading of it, that the -- oh,  
20 let's see where I find it. Right here.

21 That under the highlights of the  
22 Cranbrook school's technology use policy, that  
23 providing -- sharing your password with another  
24 person is only a violation of that policy which  
25 consequences is that they can suspend your right to

1           use their computers at Cranbrook.

2   Q   Doesn't the preamble to that policy indicate that  
3           it's not all inclusive?

4   A   I don't recollect if that's what it says.

5   Q   Let me direct you to it.

6   A   Okay.

7   Q   If you go to Page 99, which should be, for the  
8           record, CB000763, you see above the last sentence  
9           where it says:

10                 "The actions listed comprise a  
11                   non exhaustive list of violations of  
12                   the school's policy on the use of its  
13                   technological systems."

14   A   Um-hmm. Yes.

15   Q   Okay. All right. So what else are you claiming  
16           supports your claim of fraud or misrepresentation?

17   A   Well, it's very clear, Cranbrook said that he was  
18           being dismissed for major rule violation. And when  
19           I had talked to Mr. Winter about it during this one  
20           meeting, he specifically said that he had committed  
21           a major rule violation.

22                 And I said, there's nothing in -- and  
23                 in fact, the community handbook for 2003-2004  
24                 specifically states nothing that -- giving the  
25                 password is a major rule violation and that you

1 A Well, let's see, what other -- misrepresentation and  
2 the fraud would be on the transcript. When I told  
3 them clearly from the very beginning when I first  
4 heard that they were going to put withdrawal on  
5 that. I said, it's fraudulent for you to do it.

6 Several times since that time I --  
7 when they sent the transcripts to other schools, not  
8 just Purdue, when they received at University of  
9 California Santa Barbara, when they were received at  
10 University of Colorado, it was stamped withdrawal on  
11 it.

12 I had called Cranbrook again and  
13 again, and I even had my lawyer notify them that  
14 this was fraud for them to misrepresent and it was  
15 fraudulent for them to transport this through the  
16 interstate commerce and say that he had withdrawn  
17 when he had not.

18 Q Okay.

19 A And they need to cease and desist it.

20 Q Okay. So let's talk about this aspect of your fraud  
21 and misrepresentation claim. You knew in advance of  
22 receiving the transcript that Cranbrook was going to  
23 put on the transcript that your son had withdrawn  
24 from school; correct?

25 A I knew it and I continuously objected to it.

1 Q I appreciate the fact that you objected to it.

2 Let's come back to my question because I want the  
3 record to be clear.

4 A Okay.

5 Q You would agree that you knew prior to you receiving  
6 your son's transcript that Cranbrook was going to  
7 put on the transcript that he had withdrawn?

8 A Yes.

9 Q Did you ever give any written notice to any of the  
10 schools that your son applied to that you were  
11 contesting the notation of withdrawn on his  
12 transcript?

13 A Wait. I did not actually know until I saw the  
14 transcript that they were actually going to put  
15 withdrawal on there. Because even when I saw it,  
16 even then I said well, you know, maybe they really  
17 don't mean this because, back to your earlier  
18 comment, when you said, you know, it's kind of --  
19 we're not sure where it is.

20 Q Right.

21 A I just could not believe that they were actually  
22 putting it. That's the first time I really honestly  
23 knew that they were going to put it on the  
24 transcript, even if it was unofficial.

25 Because I remember my wife and I

1 having that. She says, well, maybe that's just an  
2 unofficial copy. But it's going to be the official  
3 one they're going to show.

4 Q But you've testified today that you had  
5 conversations with Charlene Rencher and Charles Shaw  
6 prior to receiving the transcript in which you  
7 talked about the fact that the transcript was going  
8 to have the notation withdrawn on it; correct?

9 A Well, yes, I did say that. But I'm not sure that we  
10 were talking about the transcript. They were saying  
11 they were going to indicate on his records that he  
12 withdrew. I might not remember with clarity that it  
13 was -- that that was the transcript at the time. It  
14 was -- I knew it was the records.

15 Q Okay. So regardless, you do recall that somebody  
16 from Cranbrook told you in advance of your receipt  
17 of the transcript that Michael's records were going  
18 to reflect that he had been withdrawn from school?

19 A That's correct.

20 MR. LINDEN: Let's take a break for a  
21 moment.

22 (Short recess taken at 3:55  
23 p.m.)

24 (Back on the record at 4:04  
25 p.m.)

1 BY MR. LINDEN:

2 Q In the school year 2003-2004, did you ever  
3 participate in Cranbrook's tuition refund program?

4 A I was aware of it but it didn't -- I read through it  
5 but I did not participate in it.

6 Q So coming back to a complete understanding of your  
7 fraud and misrepresentation claim, other than what  
8 you've already explained, what else supports your  
9 claim of fraud and misrepresentation?

10 A At this time I can't recall any other things.

11 Q Okay. Now, are you aware another one of your claims  
12 in this case is mail fraud?

13 A Yes.

14 Q Okay. And what are the facts supporting your mail  
15 fraud claim?

16 A The transmission of the transcript to colleges  
17 indicating that he withdrew is a violation of Mail  
18 Fraud Act.

19 Q When did you first find out that Cranbrook was  
20 transmitting that transcript with the withdrawal  
21 notation on it?

22 A When I checked into the -- when he first applied --  
23 I know one of the times when I applied to the  
24 University of Colorado and I had them -- I had  
25 called the University of Colorado and to ask them if

1 college education?

2 A Yeah. I think it was in the spring or summer of  
3 2005. He took one course at either that Las  
4 Positas. It's a community college. California  
5 State Cabrio or Las Positas.

6 Q And with respect to the transmittal of Michael's  
7 transcript from Cranbrook after he was dismissed,  
8 did he request that transcript to be transmitted to  
9 these colleges?

10 A I would say the colleges required him to have them  
11 sent.

12 Q And so he went about doing whatever he had to do to  
13 have the transcripts sent?

14 A That's correct. Now, just to clarify, I could have  
15 done that for him. He could have said hey, dad, can  
16 you call Cranbrook and ask them to forward the  
17 transcripts or apply to them to do that? I would  
18 say yeah, if he had asked me.

19 Q But he never asked you?

20 A I think he probably did on a couple of occasions.  
21 Whether it was those, I don't know. But there was a  
22 couple of the colleges that -- I talked to somebody  
23 at Cranbrook to send that I was sending a request  
24 for transcripts to be sent.

25 Q So there were a couple of colleges, you can't recall

1           specifically which colleges they were, that you  
2           contacted Cranbrook on your son's behalf --

3   A   Yes.

4   Q   -- and authorized them to send his transcripts to  
5           those colleges?

6   A   Yes. With withdrawn on it and all. I had no  
7           choice.

8   Q   Do you know if your son ever provided any of the  
9           colleges he applied to a written explanation as to  
10          his contentions about the withdrawal status on his  
11          transcript?

12   A   I can't speak to that.

13   Q   Did you ever do so on your son's behalf?

14   A   No.

15   Q   Did you ever have anybody do that on your son's  
16          behalf?

17   A   No.

18   Q   So again, in sum, your mail fraud claim consists of  
19          your allegation that Cranbrook transmitted Michael's  
20          transcript to all these various colleges he's  
21          applied to?

22   A   Knowing it was fraudulent, yes.

23   Q   Did you ever instruct Cranbrook not to send the  
24          transcripts anywhere?

25   A   Yes.

1 Q Who did you instruct at Cranbrook not to send the  
2 transcript?

3 A No. I didn't instruct them not to send it. I told  
4 them to correct the transcript.

5 Q All right. But my question was: Did you ever  
6 instruct anybody at Cranbrook to not send Michael's  
7 transcript to any college that he applied to?

8 A No.

9 Q Do you recall whether either you or your wife ever  
10 signed a permission to release Michael's educational  
11 records from Cranbrook?

12 A Oh, I would have done that. If I was asked, yeah, I  
13 would have done that. If it was on his behalf and  
14 something he wanted me to do, yes.

15 Q All right. Now, you also have a claim for wire  
16 fraud in this case?

17 A Yeah. Yes.

18 Q Let's -- Mr. Dupree, let's just talk briefly about  
19 that. So what are the facts that support your wire  
20 fraud claim?

21 A I thought that's what we just went through.

22 Q No, we were talking about mail fraud.

23 A The wire fraud is the same thing, transmitting -- as  
24 they would say, it could be wireless now, but the  
25 same basis. Through the U.S. mails or through other

1 means.

2 Q All right. And again, the fraud is, from your  
3 position, the fact that the transcript notes  
4 withdrawn; correct?

5 A Yes.

6 Q All right. And you also have a claim for extortion?

7 A Yes.

8 Q So tell me, what are the facts that support your  
9 extortion claim?

10 A Mainly Dean Winter, -- let me think about this for a  
11 second.

12 Q Take your time.

13 (Witness conferring with attorney.)

14 BY MR. LINDEN:

15 Q Let me interrupt, Mr. Dupree. You're going to have  
16 to remember this. If you need to take a couple  
17 minutes to think about it, be my guest. But you  
18 can't consult with your attorney and try to  
19 remember.

20 A All right.

21 Q Do you remember what the facts are to support your  
22 extortion claim?

23 A Not at this time.

24 Q Are you familiar with the RICO statute?

25 A I'm aware of the RICO statute, yes. I'm not that

1 specific to its terms.

2 Q Do you have a RICO claim against Cranbrook and  
3 Mr. Winter, Mr. Shaw in this case?

4 A Yes.

5 Q Can you tell me what the facts are to support your  
6 RICO claim against my clients?

7 A Not at this time.

8 MR. SCIOTTI: I should note for the  
9 record that I prepared the Complaint. I signed the  
10 Complaint. He did not.

11 MR. LINDEN: Thank you. I appreciate  
12 that.

13 BY MR. LINDEN:

14 Q But you indicated earlier on in your deposition, you  
15 reviewed the Complaint at some point; correct?

16 A Yes.

17 Q Did you review it before it was filed?

18 A I looked at it -- did I review it -- yes. I  
19 reviewed a draft of it.

20 Q What, if anything, did you do to prepare for today's  
21 deposition?

22 A I -- last night for about an hour and a half I  
23 reviewed the files that you -- that Cranbrook  
24 provided, the documents that Cranbrook provided and  
25 I looked over the -- some of the Interrogatories. I

1           the time that Ali supposedly had this discussion  
2           with Dean Winter?

3   A    No.

4   Q    Did he indicate, that is Ali, when he supposedly had  
5           this discussion with Dean Winter?

6   A    Yeah. This was in June. I recollect that he had  
7           been asked by Dean Winter the same types of  
8           questions in May.

9   Q    Now, with respect to the conduct review board  
10          hearing that took place in March of 2004, which  
11          resulted in Michael being placed on suspension, are  
12          you aware of what Michael might have told the  
13          conduct review board about his use of marijuana?

14   A    No.

15   Q    Okay. Did anybody at Cranbrook ever threaten you or  
16          Mrs. Dupree with criminal prosecution?

17   A    No. I'm trying to think when we met with Shaw and  
18          Winter and I forget the other guy's name. She'll  
19          remember. My wife will remember.

20   Q    Pickett?

21   A    Yeah, Pickett, thank you.

22   Q    You're welcome.

23   A    There was that -- I vaguely remember they were  
24          talking about how this was a serious offense and  
25          could have criminal implications. But your question

1 ever seen written studies in that regard?

2 A I know what you're talking about and I looked at the  
3 study that that was referencing, yes.

4 Q What would that study be, Mr. Dupree?

5 A I don't recall the name of it now.

6 Q Do you have a copy of that study somewhere?

7 A No.

8 Q With respect to the colleges that your son got  
9 rejected from, is it your position he was rejected  
10 by those schools because he had a GED?

11 A I can't say with specificity that it was, no.

12 Q Okay.

13 A The fact that he has a GED will follow him through  
14 all his life as opposed to receiving the diploma.

15 Q Well, let's talk about that for a moment. You would  
16 agree with me that he got accepted to all the  
17 colleges we talked to, notwithstanding the fact that  
18 he got a GED and not a diploma; correct?

19 A Yes.

20 Q And as you already indicated, you don't know whether  
21 or not the fact that he got a GED was a factor as to  
22 why he was rejected by the colleges he was rejected  
23 by; correct?

24 A Yes.

25 Q Did either you or your wife take notes or prepare